As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY
the specification of which (check only one item below):
[] is attached hereto
[X] was filed as United States application
Serial No. to be assigned
on <u>May 30, 1995</u>
and was amended
on
[] was filed as PCT international application
Number
on
and was amended under PCT Article 19
on
I hereby state that I have reviewed and understand the contents of the above-ident specification, including the claims, as amended by any amendment referred to above

fied

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign applications(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119: PRIORITY CLAIMED UNDER 35 USC 119 DATE OF FILING COUNTRY (day, month, year) APPLICATION NUMBER (if PCT, indicate "PCT") [] YES [] NO [] NO [] YES [] YES [] NO [] NO [] YES [] NO [] YES [] NO [] YES

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Attorney's Docket Number:

I hereby claim the beneath under Title 35, United States Code §120 of any Used States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT INDER 35 H.S.C. 120:

U.S. APPLICATIONS					CATIONS		STATUS (Check o			ne)
	II S ADDI.TO	TATTON NU				U.S. FILING DATE	Pate	ented	Pending	Abandoned
U.S. APPLICATION NUMBER 07/971,786 07/990,202				November 5, 1992				x		
				December 14, 1992				x		
		95,240				July 20, 1993				x
_		46,852				November 3, 1993			x	
		40,032								
_		PCT	APPLICAT	ONS DES	IGNATING TH	E U.S.				
_	APPLICATION NO			FILING		US SERIAL NUMBERS ASSIGNED (if any)				
							 			
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Se	Reg. No. 3	0,335	Elias J. Reg. No. Steve T. Novo Nor	Zelson, disk of	Reg. No	. 34,086 Reg. No. 31,274		No. 38,	Telephone Ca teve T. Zelso (212) 867-012	on
Se Se	Reg. No. 3	0,335	Elias J. Reg. No. Steve T. Novo Nor 405 Lexi New York	Zelson, disk of	Reg. No Reg. No North Ameri	. 34,086 Reg. No. 31,274		No. 38,	Telephone Ca teve T. Zelsc (212) 867-012	on
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Section 1991	Reg. No. 3 Part Corresponder Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Residence & Citizenship Post Office Address	Pamily Hame City DK-375 Post office Syvence Lidste City Sacrai Post office Family Ham MacIn City Woodl	Reg. No. Steve T. Novo Nor 405 Lexi New York Adverse Address D Street tosh and	Zelson.disk of ngton Av., New Yo	Reg. No Reg. No North Ameri	ca, Inc. 6400 400 First diven Mame Helle State or Foreign Country Denmark city DK-3750 Ballerup First diven Mame William State or Foreign Country California city Sacramento First diven Mame State or Foreign Country California city Sacramento First diven Mame Susan State or Foreign Country		No. 38, Direct Second Giv Country of Denma State & 2: Denma Second Giv D. Country of U.S.F. State & 2: Calif	Telephone Ca teve T. Zelsc (212) 867-012 on Name Citizenship rk Ip code/country rk Ip code/country fornia 9581 ven Name r Citizenship A. Ip code/country fornia 9581	9/U.S.A.
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C. Hart mid in June date	Reg. No. 3 Pull Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address	ranily Mane Outtru City DK-375 Post office Syvence Lidster City Sacrat Post office 4641 remily Mane Lidster MacIn City Woodl Post office 908 D Family Man Starn City	Reg. No. Steve T. Novo Nor 405 Lexi New York Reg. No. Steve T. Novo Nor Advers Reg. No. Steve T. Novo Nor Advers Reg. No. Steve T. Novo Nor Reg. Steve T. Reg. Reg. Steve T. Reg. Ste	Zelson.disk of ngton Av., New Yo	Reg. No Reg. No North Ameri	ca, Inc. 6400 400 Pirst diven Hame Helle State or Foreign Country Denmark city DK-3750 Ballerup Pirst diven Hame William state or Foreign Country California city Sacramento Pirst diven Hame Susan State or Foreign Country California city Sacramento Pirst diven Hame Susan State or Foreign Country California city Woodland Pirst diven Hame		No. 38, Direct S Second Giv Country of Denma State & 2: Denma Second Giv D. Country of U.S.F State & 2: Calif Second Giv C. Country of U.S.F State & 2: Calif Second Giv C. Country of U.S.F State & 2: Calif Second Giv U.S.F Country of U.S.F State & 2: Calif Second Giv L. Country of U.S.F	Telephone Ca teve T. Zelsc (212) 867-012 en Hame Citizenship rk p code/country rk ren Hame c citizenship 1. lip code/country cornia 9581 ven Hame r citizenship A. lip code/country fornia 9569 liven Hame	9/U.S.A.

Attorney's Docket Number: COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY 3766.220-US (Includes Reference to PCT International Applications) Penily Same Full Name Carol Denise Manker of Inventor Country of Citizenship State or Foreign Country Residence & Citizenship U.S.A. California Davis State & Zip Code/Country Post Office Address Post Office California 95616/U.S.A. 3037 Prado Lane Davis Address Second Given Hame Femily Same First Given Name Full Name of Inventor Country of Citizenship State or Foreign Country Residence & Citizenship State & Zip Code/Country Post Office Address Post Office Address Second Civen Hame Family Same Pirst Given Mame Full Name of Inventor State or Foreign Country Country of Citizenship Residence & Citizenship State & Zip Code/Country Post Office Address Post Office Address Pamily Hame Second Given Heme Full Name 8 of Inventor Country of Citizenship State or Poreign Country Residence & Citizenship Post Office Address State & Zip Code/Country Post Office Address Second Given Heme Family Hame First Given Hame Full Name of Inventor Country of Citizenship State or Foreign Country City Residence & Citizenship State & Zip Code/Country Post Office Address Post Office Address I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Uĭ 519 U Balo Signature of Inventor 9

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Į.,

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY
the specification of which (check only one item below):
[] is attached hereto
[X] was filed as United States application
Serial No. to be assigned
on <u>May 30, 1995</u>
and was amended
on
[] was filed as PCT international application .
Number
on,
and was amended under PCT Article 19
on
·

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, $\S1.56$.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign applications(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:				
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119	
			[] YES [] NO	
			[] YES [] NO	
			[] YES [] NO	
			[] YES [] NO	
			[] YES [] NO	
			[] YES [] NO	

I hereby claim the ben under Title 35, United States Code \$120 of any and States application(s) or PCT international applications as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, \$112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, \$1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

,	U.S. A	PPLICATIONS			STATUS (Check of		
				STATUS (Check one)			
U.S. APPLI	CATION NUMBER		U.S. FILING DATE		Pending	Abandoned	
07/9	71,786		November 5, 1992			×	
. 07/9	90,202		December 14, 1992 July 20, 1993 November 3, 1993			x	
08/0	95,240					x	
08/1	46,852				x		
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	PCT APPLICATIONS	DESIGNATING TH	E U.S.	<u> </u>			
APPLICATION N	o. FIL	ING DATE	US SERIAL NUMBERS ASSIGNED (if any)				
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	New York, New York 10174-		400		(212) 867-0123		
Full Name of Inventor	Outtrup		Helle				
Residence & Citizenship	DK- 2 750		state or Foreign Country Denmark		country of citizenship Denmark		
Post Office Address	Syvendehusvej 46		DK- 2 750 Ballerup	1			
Full Name of Inventor	remily sens Lidster		Pirse Given Masse William	Second D.	diven Heme		
Residence & Citizenship	Sacramento		state or Poreign Country California	i.			
Post Office Address	rost office Address 4641 D Street		Sacramento			/U.S.A.	
Full Name of Inventor	MacIntosh	.,	First Given Hame Susan	c.			
Residence & Citizenship	city Woodland		state or Foreign Country California	U.S	.A.		
Post Office Address	908 Deborah Stre	et	Woodland	1		/U.S.A.	
Full Name of Inventor	Full Name Charmen		Robert	L.			
Residence & Citizenship	Sacramento		State or Poreign Country California		y of Citizenship		
	POWER OF ATTHEM TO THE TENT OF	07/990,202 08/095,240 08/146,852 PCT APPLICATIONS APPLICATION NO. FIL POWER OF ATTORNEY: As a named in this application and transact a Steve T. Zelson Elias J. Lamb Reg. No. 30,335 Reg. No. 33, and Correspondence to: Steve T. Zel Novo Nordisk 405 Lexington New York, New	O7/990,202 08/095,240 08/146,852 PCT APPLICATIONS DESIGNATING THE APPLICATION NO. FILING DATE POWER OF ATTORNEY: As a named inventor, I herebethis application and transact all business in Steve T. Zelson Elias J. Lambiris Cheryl H. Reg. No. 30,335 Reg. No. 33,728 Reg. No. 33,728 Reg. No. 30,728 Reg. No. 33,728 Reg. No. 30,728 R	08/095,240 08/146,852 POT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. FILING DATE POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorthis application and transact all business in the Patent and Trademark Off Steve T. Zelson Elias J. Lambiris Cheryl H. Agris Karen A. Lowney Reg. No. 30,335 Reg. No. 30,335 Reg. No. 33,728 Reg. No. 34,086 Reg. No. 31,274 Reg. No. 30,335 Reg. No. 31,728 Reg. No. 31,274 Reg. No. 31,727 Reg. No. 30,728 Reg. No. 31,728 Reg. No. 31,274 Reg. No. 31,727 Reg. No. 31,728 Reg. No. 31,727 Reg. No. 31,727 Reg. No. 31,728 Reg. No. 31,728 Reg. No. 31,728 Reg. No. 31,727 Reg. No. 31,728 Reg. No. 31,728 Reg. No. 31,728 Reg. No. 31,727 Reg. No. 31,728 Reg. No. 31,727 Reg. No. 31,727 Reg. No. 31,727 Reg. No. 31,728 Reg. No. 31,728 Reg. No. 31,727 Reg. No. 31,727 Reg. No. 31,728 Reg. No. 31,724 Reg. Reg. No. 31,728 Reg. No. 31,728 Reg. No. 31,728 Reg. No. 31,724 Reg. No. 31,724 Reg. No. 31,724 Reg. Reg. No. 31,724 Reg. Reg. No. 31,724 Reg. Reg. No. 31,724	08/095,240 08/095,240 08/146.852 November 3, 1993 PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. FILING DATE POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or this application and transact all business in the Patent and Trademark Office connected Steve T. Zalson Elias J. Lamblis's Cheryl H. Agris Karen A. Lowney James J. M. Reg. No. 30, 335 Reg. No. 33, 728 Reg. No. 34, 026 Reg. No. 11, 274 Reg. No. 30, 335 Reg. No. 33, 728 Reg. No. 34, 026 Reg. No. 11, 274 Reg. No. 30, 335 Reg. No. 37, 728 Reg. No. 36, 728 Reg. No. 37, 728 Reg. No. 38, 728 Reg. Reg. Reg. Reg. Reg. Reg. Reg. Reg.	07/990,202 December 14, 1992 08/095,240 July 20, 1993 08/146,852 Noveaber 3, 1993 × PCT APPLICATION DESIGNATING THE U.S. APPLICATION NO. FILING DATE U.S. SERIAL NUMBERS ASSIGNED (if any) POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent (s) to prose this application and transact all business in the Fatent and Trademark Office connected therewith. Stever 7. Zaleson Size J. Lambirst Charyl H. Agris Karen A. Lowney Reg. No. 30,335 Reg. No. 33,728 Reg. No. 34,086 Reg. No. 31,274 Reg. No. 36,721 Reg. No. 30,735 Reg. No. 30,735 Reg. No. 31,728 Reg. No. 34,086 Reg. No. 31,274 Reg. No. 36,731 Reg. No. 36,731 Reg. No. 31,728 Reg. No. 31	

COM (In	BINED DECLAR	RATION FOR PATENT A	PPLICATION ational App	AND POWER OF ATTORNEY plications)		y's Docket Number: .220-US	
5	Full Name of Inventor Manker			Pirst diver sees Denise		Second Given Home Carol	
	Residence & Citizenship	ctty Davis		state or Poreign Country California		Country of Citizenship U.S.A.	
	Post Office Address 3037 Prado Lane			Davis		State & Zip Code/Country California 95616/U.S.A.	
6	Full Name of Inventor	Pamily Name		First Given Hame	:	Second Given Name	
	Residence & Citizenship	City		State or Poreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Elp Code/Country	
7	Full Name of Inventor	Femily Heme		First Given Home		Second Given Name	
	Residence & Citizenship	City		State or Foreign Country		Country of Cicitements	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
8	Full Name of Inventor	Family Same		Piret Given Name		Second Given Name	
	Residence & Citizenship	City		State or Foreign Country City First diven Name State or Foreign Country City		Country of Citizenship	
Hart Hart	Post Office Address	Post Office Address				State & Zip Code/Country	
(b)	Full Name of Inventor	Femily Hame				Second Given Hame	
	Residence & Citizenship	City				Country of Citizenship	
	Post Office Address	Fost Office Address				State & Zip Code/Country	
Control of the state of the sta	information that will section 10	on and belief are believ	ed to be true d the like s nited States	ein of my own knowledge are tru; and further that these states o made are punishable by fine Code, and that such willful fauing thereon.	ments w	vere made with the knowledge	
*Tonac	UI MIN MIN			tor 1	Signetu	re of Inventor 1	
-phe-	17/6 1395				Date		
Signature of Inventor 4			Signature of Inventor 5		Signetu	eture of inventor 6	
Date De			Dece Date		Date		
Signature of Inventor 7 Signature			fignature of Inven	rentor 8 Signet		eture of Inventor 9	
Date			Date		Date		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. Outrrup <i>et al</i> .) Attorney Docket No.: 5910.US.C4
) VAL6131P0208AUS
Serial Number: unassigned, continuation)
of U.S. Patent Application Serial N	o.)
09/013,375)
) Group Art Unit: unassigned
Filing Date: May 15, 2001)
•) Examiner: unassigned
Re: Mutants Which Produce a Potentiator)
of Bacillus Pesticidal Activity)

DECLARATION AS TO THE DEPOSIT OF A MICROORGANISM

Commissioner for Patents Washington, D.C., 20231

Dear Sir:

I hereby declare:

- 1. that I, Martin L. Katz, am the attorney of record in the above-mentioned U.S. Patent Application, (which is a continuation of U.S. Patent Application Serial No. 09/013,375) entitled "Mutants Which Produce a Potentiator of *Bacillus* Pesticidal Activity" filed on May 15, 2001 in the United States Patent and Trademark Office;
- that a culture of strains EMCC 0086, EMCC 0087, EMCC 0129 and EMCC 0130 has been deposited according to the Budapest Treaty with the Agricultural Service Patent Culture Collection, Northern Regional Research Center, University Street, Peoria, IL,

VAL6131P0208A

61604, USA;

- that the deposit meets the criteria set forth in 37 C.F.R. Sections 1.801-1.809, which
 deposits designated as deposit Accession Numbers NRRL B-21147; NRRL B-21148;
 NRRL B-21445 and NRRL B-21444 respectively;
- 4. that the culture will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Sec. 122;
- that upon issuance of a patent on the above-identified application, all restrictions as to public availability of the culture deposit will be irrevocably removed and that said culture deposit will be replaced should the depository be unable to distribute the sample upon a proper request during the period that extends thirty years from the date of deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest, with the understanding that the availability of a deposit does not constitute a license to practice the subject invention in derogation of patent rights granted by governmental action; and

VAL6131P0208A Page 2 of 3

6. that I declare further that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent specification or any patent issuing thereon.

5/15/01 Date

Attorney for the Applicants